



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 9, 2020

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Reginald Fowler, S3 19 Cr. 254 (ALC)*

Dear Judge Carter:

The Government writes in response to the Motions to Withdraw as Counsel (the “Motions to Withdraw,” Dkt. Nos. 69, 72, and 76) filed by the two firms currently representing defendant Reginald Fowler. Based on the facts set forth in the Motions, the Government agrees that defense counsel has a conflict that permits them to withdraw from the current representation.¹

However, the Government opposes any adjournment of the current trial date resulting from the evident false representations by Fowler to his counsel necessitating the need for substitution of counsel. The defendant’s failure to pay his legal fees after making a series of increasingly incredible assertions regarding the availability and source of his funds is a problem of this defendant’s own creation. Indeed, Fowler has been on notice since at least in or about February 2020 that his counsel was contemplating withdrawing from this representation based on his non-payment of legal fees. Rather than address that problem candidly, Fowler engaged in the conduct described in counsel’s prior filings.

As the Court is well aware, in January 2020 this matter was set for a jury trial beginning April 28, 2020. Following the defendant’s arraignment on a superseding indictment in March 2020, the trial was adjourned to January 11, 2021. In October 2020, the defense, without noting for the Court the then already well-developed fee dispute, moved to adjourn the trial date over the Government’s objection, and an adjournment was granted to April 12, 2021.

¹ The declarations submitted by counsel in support of their Motions to Withdraw also raise the question of whether the defendant, who has apparently made recent significant payments to counsel other than his current criminal attorneys, would financially qualify for a court-appointed attorney. The Government defers to the Court with respect to that issue.

The current trial date is approximately four months away. The defendant's failure since at least February 2020 to pay his legal fees or to retain new counsel in this matter should not provide a basis for yet another delay of the current trial date when the four months remaining until that time should afford new counsel an adequate opportunity to prepare the defense in this case.

Respectfully submitted,
AUDREY STRAUSS
Acting United States Attorney

By: /s/
Sheb Swett
Samuel Rothschild
Jessica Greenwood
Assistant United States Attorneys
Southern District of New York
(212) 637-6522 / 2504 / 1090

cc: Defense counsel of record (by ECF)